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09/808,141	03/15/2001	Yoichi Iki	108933	3052

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EXAMINER

LE, MIRANDA

ART UNIT PAPER NUMBER

2177

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/808,141

Applicant(s)

IKI ET AL.

Examiner

Miranda Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. This communication is responsive to Amendment A, filed 10/06/2003.
2. Claims 1-12 are pending in this application. Claims 1, 6, 7, 12 are independent claims. In the Amendment A, claims 1-12 have been amended. This action is made Final.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A toson shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4, 7-8, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al. (US Patent No. 6,389,460 B1).

Stewart anticipated independent claims 1, 6, 7, 12, by the following:

**As to claims 1, 7,** Stewart teaches “an image data acquiring section for acquiring image data to be stored as a file” at col. 3, line 61 to col. 4, line 5;

“structure information setting section capable of having a user arbitrarily set beforehand structure information that defines structure of a file name, the file name being given to the

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image data acquired by the image data acquiring section when the image data is stored in a memory” at col. 5, lines 32-53, Fig. 8;

“a name-generating section for acquiring, for each data acquired by said image data acquiring section, information, relating to said image data, according to the structure information that is set by the structure information setting section, to generate said file name using the acquired information” at col. 17, lines 48-62;

“a managing section for storing the image data acquired by the image data acquiring section, and for managing the stored image data using the file names generated by the name-generating section” at col. 17, lines 48-62, col. 20, lines 11-49, Fig. 8.

**As to claims 2, 8,** Stewart teaches “the image data acquiring section acquires stored image data to which a file name is given in advance and associated information that is associated with the stored image data” at col. 20, lines 11-49;

“the name-generating section acquires, for each said image data acquired by said image data acquiring section, information relating to said image data, from said associated information according to the structure information that is set by the structure information setting section, to generate a new file name using the acquired information” at col. 20, lines 11-49, col. 19, lines 1-41.

**As to claims 4, 10,** Stewart teaches “a classifying condition setting section capable of setting arbitrarily a classifying condition to be used for classifying the image data stored in the managing section into a plurality of groups” at col. 17, lines 21-62, col. 20, lines 11-49, Fig. 8;

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“a classifying section for acquiring information corresponding to said classifying condition from the file names of the image data stored in said managing section, to classify image data having the same said information acquired corresponding to said classifying condition into a same group” at col. 17, lines 21-62, wherein

“said managing section manages, image data stored therein in advance, in two ways, which are managing by the file names generated by the name-generating section and managing by a result of classifying by the classifying section” at col. 17, lines 21-62, col. 20, lines 11-49.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5, 6, 9, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (US Patent No. 6,389,460 B1), in view of Yokomizo et al. (US Patent No. 6,522,418).

**As to claims 6, 12,** Stewart teaches “an image data acquiring section for acquiring stored image data to which a file name is given in advance” at col. 7, lines 34-61, col. 10, lines 52-67, Figs. 3A-B;

“a structure information setting section capable of having a user arbitrarily set beforehand structure information that defines a structure of a file name, the file name being given to the

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image data acquired by the image data acquiring section when the image data is stored in a memory” at col. 3, line 61 to col. 4, line 5, col. 5, lines 32-53, Fig. 8;

“a name-generating section for acquiring, for each said image data acquired by said image data acquiring section, information relating to said image data, according to the structure information that is set by the structure information setting section, to generate said file name using the acquired information” at col. 17, lines 48-67,

“a managing section for storing said image data acquired by said image data acquiring section and for managing the stored image data using the file name generated by the name-generating section” at col. 17, lines 48-62, col. 20, lines 11-49, Fig. 8.

Steward does not explicitly teach “a virtual file name”. However, Yokomizo teaches this limitation at col. 21, lines 42-62.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to modify the teachings of Stewart with the teachings of Yokomizo to include “a virtual file name” in order to provide an image processing system that enables interactive image edition through the WWW, without requiring any significant modification of the WWW.

**As to claims 3, 9,** Stewart does not explicitly teach the following limitations. However, Yokomizo teaches: “said image data acquiring section acquires microscope image data of a sample that is photographed by an imaging device that is part of a microscope system” at col. 3, lines 51-63, Fig. 1;

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“said structure information setting section can set, as said structure information, a characteristic of the microscope image data to be reflected in a file name of said microscope image data” at col. 3, lines 51-63, Fig. 1;

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to modify the teachings of Stewart with the teachings of Yokomizo to include “said image data acquiring section acquires microscope image data of a sample that is photographed by an imaging device that is part of a microscope system; and said structure information setting section can set, as said structure information, a characteristic of the microscope image data to be reflected in a file name of said microscope image data” in order to provide an image processing system that enables interactive image edition through the WWW, without requiring any significant modification of the WWW.

**As to claims 5, 11,** Stewart does not explicitly teach the following limitations. However, Yokomizo teaches: “a thumbnail display section for displaying a thumbnail image that is a reduced image of an image corresponding to the image data stored in said managing section” at col. 9, lines 23-29;

“a displaying condition setting section for setting, as a displaying condition to be used for selecting the thumbnail image to be displayed by the thumbnail display section, information that is included in the file name corresponding to the thumbnail image to be displayed” at col. 9, lines 23-29, col. 7, lines 25-53, wherein

“said thumbnail display section selects the file name including the information that is set as the displaying condition by the displaying condition setting section, from file names of the

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data stored in said managing section, and displays the thumbnail image corresponding to the selected file name” at col. 9, lines 23-29, col. 7, lines 25-53.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to modify the teachings of Stewart with the teachings of Yokomizo to include “a thumbnail display section for displaying a thumbnail image that is a reduced image of an image corresponding to the image data stored in said managing section; a displaying condition setting section for setting, as a displaying condition to be used for selecting the thumbnail image to be displayed by the thumbnail display section, information that is included in the file name corresponding to the thumbnail image to be displayed; said thumbnail display section selects the file name including the information that is set as the displaying condition by the displaying condition setting section, from file names of the data stored in said managing section, and displays the thumbnail image corresponding to the selected file name” in order to provide an image processing system that enables interactive image edition through the WWW, without requiring any significant modification of the WWW.

### ***Response to Arguments***

7. Applicant's arguments regarding amendments have been made to clarify differences between Applicant's invention and Takemoto, with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.



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*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (703) 305-3203. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Miranda Le  
January 9, 2004



GRETA ROBINSON  
PRIMARY EXAMINER